This application has been reviewed in light of the non-final Office Action mailed on January 20, 2010. Claims 1-8 and 11-24 are pending in the application with Claims 1, 18, 23, and 24 being in independent form. Claims 9 and 10 have been previously cancelled. By the present amendment, Claims 1, 18, 23, and 24 have been amended. Claims 1, 18, 23, and 24 are also amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or to replace European-style claim phraseology with American-style claim language. No new matter or issues are believed to be introduced by the amendments.

Claim 1 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for allegedly reciting a use without any active, positive steps delimiting how this use is actually practiced. Applicant has amended Claim 1. Applicant therefore respectfully requests that the 112, second paragraph rejection be withdrawn.

Claim 1 was rejected under 35 U.S.C. §101 because the claimed recitation of a use, without setting forth any steps involved in the process, allegedly results in an improper definition of a process. Applicant has amended Claim 1. Applicant therefore respectfully requests that the 101 rejection be withdrawn.

Claims 1-8, 11-14, and 18-24 were rejected under 35 U.S.C. §102(e) as being anticipated by Shinnarajah et al. (U.S. Application No. 2004/0008679). Applicant respectfully traverses the rejection.

Claim 1, recites, *inter alia*, as follows:

> "...by providing a plurality of **random access slots** that are selectively configured for permitting a **temporary or permanent allocation** of a portion of the plurality of random access slots..." (emphasis added)

Shinnarajah fails to disclose and/or suggest "...by providing a plurality of random access slots that are selectively configured for permitting a temporary or permanent allocation of a portion of the plurality of random access slots," as recited in independent Claim 1.

At page 4 of the present Office Action, the Examiner relied on paragraphs [0088]-[0091] of Shinnarajah to reject the present Claims.

However, Applicant respectfully disagrees with the Examiner's arguments.

Claim 1 specifically states:

"...determining, via the primary station, a level of interest by users of secondary stations in a service by providing a plurality of random access slots that are selectively configured for permitting a temporary or permanent allocation of a portion of the plurality of random access slots based on the level of interest of the users of the secondary stations..."

In other words, the secondary station of the plurality of secondary stations indicates the level of interest by transmitting a predetermined signal in a preselected one of the <u>plurality of random access slots</u> to the primary station (i.e., in the upstream direction). Additionally, this may be either <u>a permanent or a temporary allocation</u> of the plurality of random access slots. Shinnarajah discloses neither feature.

At [0088] of Shinnarajah it is stated:

"...when a multicast call is to be initiated, the subscriber stations that are members of the multicast group **must be notified**. Once a subscriber station receives a notification that a multicast call is commencing, there are **several alternatives for whether and how the subscriber station responds to the notification**." (emphasis added)

In other words, an initial notification is performed to determine whether and how to respond to such notification. There is **no** mention of using random access slots and **no** mention of permanently or temporarily allocating random access slots.

At [0089] of Shinnarajah it is stated:

"According to one alternative, the subscriber station is **not required to respond** even if the subscriber station is interested in participation in the multicast service. Such an alternative is acceptable for example in the case of multicast services, which are of general interest and delivery of which to each subscriber station is not critical ..." (emphasis added)

In other words, a scenario is described for permitting a non-response. There is **no** mention of using random access slots and **no** mention of permanently or temporarily allocating random access slots.

At [0090] of Shinnarajah it is stated:

According to another alternative, the subscriber station is **always required to respond** if the subscriber station is interested in participation in the multicast service. The response comprises e.g., a message send on a reverse channel to the access network ... Such a response must contain information useful for the next action taken by the access network. Depending on design features of a communication system, such information may indicate whether the subscriber station is interested in joining the multicast service; whether the subscriber station is not interested in joining the multicast service; whether the subscriber station is interested but cannot participate due to not supporting the required configuration..." (emphasis added)

In other words, a scenario is described for always requiring a response. There is **no** mention of using random access slots and **no** mention of permanently or temporarily allocating random access slots.

At [0091] of Shinnarajah it is stated:

"The access network **waits for response** from member subscriber stations before channel assignment. Such an alternative is required for services, requiring the access network to know whether each subscriber station participates. Additionally, the response **allows the access network to decide, whether to assign a shared channel or a dedicated channel for the multicast content**. When a decision to assign a dedicated channel to each subscriber station is made, the response prevents the access network from assigning a dedicated traffic channel to a non-participating subscriber station." (emphasis added)

In other words, assignment of a dedicated channel is described. There is **no** mention of using random access slots and **no** mention of permanently or temporarily allocating random access slots.

It is respectfully submitted that it is not clear to Applicant where Shinnarajah states or even remotely implies using "random access slots" and/or "permanently or temporarily allocating random access slots." These features do not appear to be stated or implied in the paragraph sections recited by the Examiner (i.e., paragraphs [0088] – [0091]).

In contrast, in the present disclosure, an access slot is defined as a specific combination of a signature and a time slot (paragraph [0012] of Applicant's published application: 2008/0267136). Additionally, it is stated that initiation of communication in the network area is by spread spectrum using a TDMA protocol comprising access slots, one of which access slots is selected at random by a secondary station when initiating communication with the primary station. The primary station makes available a known number of signatures and a known number of time slots, and a secondary station when initiating communication selects one of these signatures and one of the time slots. The combination of a randomly selected time slot and a selected one of several signatures reduces the risk of collisions between secondary stations when communicating with the primary station. (Paragraph [0021] of Applicant's published application: 2008/0267136)

Thus, Shinnarajah does not teach and/or suggest the features recited in the present Claims.

Independent Claims 18, 23, and 24 include the same or similar limitations to those of Claim 1, and are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claim 1.

Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 1, 18, 23, and 24 and allowance thereof is respectfully requested.

Dependent Claims 2-8, 11-14, and 19-21 are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claims 1, 18, 23, and 24. Additionally, dependent Claims 2-8, 11-14, and 19-21 contain further distinguishing patentable features. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 2-8, 11-14, and 19-21, and allowance thereof are respectfully requested.

Claims 15 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shinnarajah in view of Toth et al. (U.S. Application No. 2005/0053068). Applicant respectfully traverses the rejection.

Dependent Claims 15 and 16 are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claim 1. Additionally, dependent Claims 15 and 16 contain further distinguishing patentable features. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 15 and 16, and allowance thereof are respectfully requested.

Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Shinnarajah in view of Cooper et al. (U.S. Application No. 2002/0069038). Applicant respectfully traverses the rejection.

Dependent Claim 17 is allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claim 1. Additionally, dependent Claim 17 contains further distinguishing patentable features. Accordingly, the withdrawal of the

rejection under 35 U.S.C. §103(a) with respect to dependent Claim 17, and allowance thereof are respectfully requested.
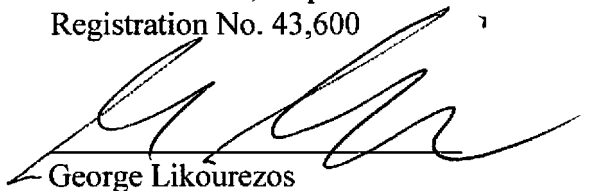
In view of the foregoing amendments and remarks, it is respectfully submitted that all Claims presently pending in the application, namely, Claims 1-8 and 11-24, are believed to be in condition for allowance.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

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